United Nations A/HRC/31/NGO/160

General Assembly

Distr.: General
22 February 2016

English only

Human Rights Council
Thirty-first session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Society of Iranian Women Advocating Sustainable Development of Environment, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-02693(E)

Please recycle

Governments, Environment and the NGOs

Unfavorable environmental situation in the world as the formal and informal political opinions raised ideas of the International politicians which affected our environmental protection and the integration of environmental human rights.

The first step taken by the international community to protect the environment was the famous Declaration on the Human Environment in Stockholm in 1972, which since then numerous national and inter-national meetings was formed as a result of 61 countries explicitly or implicitly Such as: Johannesburg International summit, Rio 2012 etc.
International status and role of governments in the agreements as principal policy is responsibility for regulating the relationships, policies and measures taken by them in the environment and also the obligations of international environmental law is mentioned.(Customary obligations on certain contracts).

According to the Rio Declaration, In order to protect the environment, countries are allowed, to apply Economic policies that are consistent with the terms of the UN and international legal principles accepted as fair and controlled in a way that does not provide harm and causing danger to other countries or areas outside the borders.
Sustainable development based on the environment in terms of social, economic, cultural and health has been closely associated even with civil and political rights. Any miss achievement on the environmental rights will destabilize the development. These give the right to work for environment and health, respect for the rights of local communities.
Agenda 21 stipulated that governments have a responsibility and should be ensure on internal activities .Also Agenda 21 prompt on the participation of countries in the implementation of approved programs focused on cooperation of the environment in the right of social functions is necessary, so that Human existence and survival depends on the survival of the environment. As scientist -says: "If you want to survive, stay with nature".

As well as in Agenda 21 item forty which have been approved at the summit on 2013 by most of the countries, including Iran.Is partnership with countries in the implementation of the approved programs, focusing on civil society, and also the right of citizens' participation in environmental decision-making. In the item 1 of the Stockholm declaration "Right on the environment are isolated and independent.
Article 14 of the Convention on the Rights of Solidarity. The right of citizen participation in environmental decision-making according to the regulations of countries or individually or together with other people in the form of social organization such as nongovernmental organizations NGO is stated.

The right on the environment is based on four items
1-The right to public participation
2- Access to Information
3- Right to training
4- justice.

Solidarity of the third generation of the human rights, including the right to the environment, the right to development, right to peace. The common heritage of mankind is based on a broad set of three human rights, which represents the evolution of international law.
On the October 1972 in Stockholm meeting, the natural heritage has been defined as:
The loss of natural and cultural heritage means, the heritage of all nations of the world under poverty in. Such as animals and plants biodiversity, and endangered habitats.
Rights advocates' sustainable development believes that progress on human is out of economic concept and converted to human dignity.
Unfortunately, the international community is involved severe problem that will require responsibility of everyone for the environmental protection.
Especially in the last decade has witnessed two devastating wars in different regions of the world which unfortunately claims that people involved in such diverse socio-economic and environmental severe problems
Therefore, as a non-governmental environment organization demanding that international community should save it for future generations as Heritage.

United Nations A/HRC/31/NGO/161

General Assembly

Distr.: General
23 February 2016

English only

Human Rights Council
Thirty-first session
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-02808(E)

Please recycle

The UN Human Rights Council must address violations and abuses against civilians in Yemen conflict

BACKGROUND

Since the 30th session of the UN Human Rights Council,[1] Amnesty International has conducted further research on violations in the context of the conflict in Yemen, including a field mission in November 2015. Amnesty International has gathered evidence, over the course of four field missions to Yemen since May 2015, that all parties to the conflict have committed violations of international human rights law and international humanitarian law. Since the beginning of the conflict in March 2015, Amnesty International has investigated over 30 air strikes in Sana'a, Hodeidah, Hajjah and Sa'da, their circumstances and impact. Amnesty International found that the Saudi Arabia-led coalition continued to commit violations of international humanitarian law, including by the apparently deliberate targeting of civilian objects such as hospitals, schools and factories. Meanwhile, since November 2015 the Huthi armed group and its allies have imposed restrictions on medical aid and goods essential for the survival of civilians in Ta'iz and shelled civilian areas. They have also carried out arbitrary arrests, detentions and abductions of government supporters, journalists and human rights defenders, and curtailed freedom of association by closing down NGOs. According to the UN Office for the Coordination of Humanitarian Affairs, as of 16 February 2016 the conflict in Yemen had resulted in nearly 3,000 civilian deaths.[2]

SAUDI ARABIA-LED COALITION

Since 25 March 2015, thousands of air strikes by Saudi Arabian-led coalition forces have killed hundreds of civilians all over Yemen. Amnesty International has investigated more than 30 air strikes in various parts of the country. The majority of the airstrikes Amnesty International has researched were unlawful – in that they deliberately targeted civilian objects or disproportionately harmed civilians and civilian objects in relation to the expected military gain from the strike, or failed to distinguish between these and military objectives. In some instances, air strikes appeared to have directly targeted civilians or civilian objects. The pattern of attacks and the lack of investigations to date into such incidents raises serious concerns about an apparent disregard for civilian life and for fundamental principles of international humanitarian law both by those planning and executing the attacks and by the exiled Yemeni government, at whose behest coalition forces are acting.

In July 2015, Amnesty International visited the governorate of Sa'da, and investigated 13 strikes that took place during May, June and July 2015 in and around Sa'da governorate, after the coalition had declared the city a military target. Those strikes killed some 100 civilians – including 55 children and 22 women – and injured a further 56, including 18 children. The youngest child killed was just 12 days old, whose body was found by relatives alongside that of his mother, who was also killed in the same airstrike. In the single worst incident investigated, 55 people, including 35 children, were killed.[3]

Amnesty International also investigated five unlawful strikes that took place between August and October 2015 in Hodeidah, Hajjah, and Sana'a governorates, which appear to have directly targeted schools. These strikes killed five

---

[1] See Amnesty International's written statement *"The UN Human Rights Council must address abuses against civilians in Yemen conflict"* submitted to the 30th session: A/HRC/30/NGO/146 of 9 September 2015; Available at: https://www.amnesty.org/en/documents/mde31/2357/2015/en/

[2] See OCHA's Statement to the Security Council on Yemen, 16 February 2016, Available at: http://reliefweb.int/report/yemen/under-secretary-general-humanitarian-affairs-and-emergency-relief-coordinator-stephen-4

[3] Amnesty International, *Yemen: 'Bombs fall from the sky day and night': civilians under fire in Northern Yemen* (Index: MDE 31/2548/2015), 6 October 2015, Available at: https://www.amnesty.org/en/documents/mde31/2548/2015/en/

and injured at least 14 civilians, including four children.[4] They have severely disrupted the education of the some 6550 children who regularly attended the targeted schools.

Some coalition air strikes hit hospitals and other medical facilities in Sa'da and Ta'iz governorates, injuring patients and medical workers. On 26 October 2015, the Saudi Arabia-led coalition destroyed a Médecins Sans Frontières (MSF) supported hospital in Haydan in Sa'da, injuring seven medical workers.[5] MSF said that another of its clinics in Ta'iz was struck by coalition air strikes on 2 December, wounding nine people, including two MSF staff.[6] On 10 January 2016, MSF reported that the al-Shi'ara hospital at Razih in Sa'da governorate had been struck, killing six people and injuring at least seven, and that planes were seen flying over the facility at the time of the attack.[7] According to MSF personnel who visited the site soon after, there was no evidence that the hospital was used for military purposes. On 21 January, an MSF ambulance was also struck and its driver killed in an attack that killed at least six and wounded dozens of others in Sa'da governorate.[8]

Coalition forces used imprecise munitions including large US and UK-made bombs[9] with a wide impact radius, which cause casualties and destruction beyond their immediate strike location. In Sa'da and Hajjah, they also used US-made cluster munitions, inherently indiscriminate weapons whose use is prohibited under customary international humanitarian law, and which scatter bomblets over a wide area and present an ongoing risk to civilians as they frequently fail to detonate upon impact.

Amnesty International investigated two incidents in which cluster bombs were used, one in October 2015 and one in January 2016. In October, Saudi Arabia-led coalition forces appear to have used a Brazilian variant of internationally banned cluster munitions on a residential neighbourhood in Ahma in Sa'da, northern Yemen, wounding at least four people and leaving dangerous unexploded sub-munitions strewn around the surrounding farmland.[10] A four year old girl, Hasna Mohamed Hussein Jumaan, injured her left leg a couple of days after the attack when she came into contact with an unexploded sub-munition. In January, Amnesty International found evidence indicating that the Saudi Arabia-led coalition forces dropped US-manufactured cluster munitions on the Yemeni capital, Sana'a, on 6 January 2016.[11] The attack killed a 16-year-old boy and wounded at least six other civilians, and scattered sub-munitions in at least four different residential neighbourhoods.
In order to deny supplies to Huthis and their allied forces, the coalition imposed a partial aerial and naval blockade. This severely curtailed the import and provision of fuel and other essentials, obstructing access to food, water, humanitarian assistance and medical supplies, exacerbating the worsening humanitarian crisis in the country.

---

[4] Amnesty International, *Yemen: 'Our kids are bombed': Schools under attack in Yemen* (Index: MDE 31/3026/2015), 11 December 2015, Available at: https://www.amnesty.org/en/documents/mde31/3026/2015/en/

[5] MSF, *Health facilities under attack, MSF wants answers*, 25 January 2016, Available at: http://www.msf.org.uk/article/yemen-health-facilities-under-attack-msf-wants-answers; and Amnesty International, Yemen: *Bombing of MSF hospital may amount to a war crime*, 27 October 2015, Available at: https://www.amnesty.org/en/latest/news/2015/10/yemen-bombing-of-msf-hospital-may-amount-to-a war-crime/

[6] MSF, *Yemen: None wounded in Saudi-led coalition airstrike on MSF clinic*, 3 February 2015, Available at: http://www.msf.org.uk/article/yemen-nine-wounded-in-saudi-led-coalition-airstrike-on-msf-clinic

[7] MSF, *Yemen: Third MSF health facility bombed*, 10 January 2016, Available at: http://www.msf.org.uk/article/yemen-third-msf-health-facility-bombed

[8] MSF, *Health facilities under attack, MSF wants answers*, 25 January 2016, Available at: http://www.msf.org.uk/article/yemen-health-facilities-under-attack-msf-wants-answers

[9] Amnesty International, *Yemen: Coalition used UK missile in unlawful airstrike*, 25 November 2015, Available at: https://www.amnesty.org/en/latest/news/2015/11/yemen-coalition-used-uk-cruise-missile-in-unlawful airstrike/

[10] Amnesty International, *Yemen: Brazilian cluster munitions suspected in Saudi Arabia-led coalition attack*, 30 October 2015, Available at: https://www.amnesty.org/en/latest/news/2015/10/yemen-brazilian-cluster-munitions-suspected-in-saudi-arabia-led-coalition-attack/

[11] Amnesty International, *Yemen: New evidence challenges coalition's denial it used cluster munitions in recent attack* (Index: MDE 31/3208/2016), 15 January 2016, Available at: https://www.amnesty.org/en/documents/mde31/3208/2016/en/

ARMED GROUPS – HUTHI ARMED GROUP AND ALLIED FORCES

There was a surge in arbitrary arrests, detentions and abductions of government supporters, journalists, human rights defenders and other persons by Huthis and allied forces loyal to former President Saleh. Many detainees have been held in multiple, often unofficial, locations including private homes without being informed of the reason for their detention or given any opportunity to challenge its legality. At least 25 men, including political activists, human rights defenders and journalists, were detained by armed men in civilian clothes who said they belonged to Ansarullah, the political wing of the Huthi armed group, while attending a meeting at an Ibb hotel on 13 October 2015. Most were later released, reporting that they had been tortured, but Antar al-Mabarazi, an engineer, and Ameen al-Shafaq, a university professor, remained in incommunicado detention at the time of writing this submission. Political activist Muhammad Qahtan, a leading figure in the al-Islah political party, has been in the custody of the Huthi forces since 4 April 2015 and is in danger of torture and other ill-treatment.[12]

Huthi forces curtailed freedom of association, raiding the offices of and closing down at least 27 NGOs in Sana'a and threatening their directors and staff. Organizations which have continued to operate are in many cases exercising self-censorship and face constraints due to harassment and intimidation of their staff.[13]

The Huthi armed group and forces allied to it are endangering the lives of thousands of civilians in the southern city of Ta'iz by blocking the entry of crucial medical supplies and food over the past three months, in clear violation of international humanitarian law, exacerbating the already-dire humanitarian situation in the city. All routes into and out of Ta'iz are controlled by the Huthi armed group and its allies. Restrictions on entering and leaving the city have tightened significantly since the conflict began. Only al-Duhi crossing to the west of the city has remained open on an intermittent basis, leaving residents largely trapped inside.

Testimony gathered during December and January by Amnesty International from 22 residents and medical staff living in Yemen's third largest city paints an alarming picture of civilian suffering and hardship. Most of the city's hospitals have shut down and the few that remain open are on the verge of collapse due to a lack of supplies. One resident told Amnesty International that his new-born baby died hours after he was born in December because of severe oxygen shortages at the city's hospitals.[14]

Amnesty International urges the Human Rights Council, its members and observer states to:

- Call on all parties to the conflict to:
    - Fully comply with the relevant provisions of international humanitarian law in the planning and execution of any military operations. In particular they must ensure that civilians and civilian objects are not targeted, and take necessary precautions to distinguish between civilians and fighters and between civilian objects and military objectives and end indiscriminate and disproportionate attacks;
    - Allow full and unfettered access to organizations providing humanitarian aid;
- Establish an independent international inquiry to investigate alleged serious violations of international humanitarian law and international human rights law by all parties to the conflict since the beginning of hostilities in September 2014;

---

[12] Amnesty International, *Yemen: Political activist in custody, risks torture: Muhanmmad Qahtan* (Index: MDE 31/3211/2016), 20 January 2016, Available at: https://www.amnesty.org/en/documents/mde31/3211/2016/en/

[13] For more details about this attack and others documented by Amnesty International, see: Amnesty International, *Yemen: Huthi armed group must end crackdown on human rights defenders and NGOs,* (Index: MDE 31/2931/2015) 1 December 2015, available at: https://www.amnesty.org/en/documents/mde31/2931/2015/en/

[14] Amnesty International, *Yemen: Huthi forces block vital hospital supplies fuelling humanitarian crisis in Ta'iz,* 9 February 2016, available at: https://www.amnesty.org/en/press-releases/2016/02/yemen-huthi-forces-block-vital-hospital-supplies-fuelling-humanitarian-crisis-in-taiz/

- Mandate regular reporting to the Council on the human rights situation in Yemen and hold related inter-active dialogues;

- Urge all countries supplying arms, or considering the supply of arms, to any parties to the conflict to immediately suspend those arms transfers where there is a substantial risk that the arms would be used to commit or facilitate serious violations of human rights or international humanitarian law; and

- Ensure that prompt and full reparation is provided to victims and families of victims of unlawful attacks which resulted in human or material damage.

United Nations A/HRC/31/NGO/162

General Assembly

Distr.: General
22 February 2016

English only

Human Rights Council
Thirty-first session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-02695(E)

Please recycle

The Policing of Public Assemblies*

Amnesty International welcomes the consultation undertaken in recent months by the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions in preparing their joint report to the 31st session of the Human Rights Council on the proper management of assemblies.[1] We look forward to its presentation to the Council. In this statement Amnesty International focuses on the role of law enforcement agencies in respecting and protecting the right of peaceful assembly as guaranteed in Article 21 of the International Covenant on Civil and Political Rights (ICCPR) and Article 20 of the Universal Declaration of Human Rights (UDHR).

Obligations of law enforcement agencies under international human rights law

Law enforcement agencies, as representatives of the state, have the obligation under international law to respect and protect human rights and, regarding the policing of assemblies, in particular the rights to freedom of expression and of peaceful assembly; to life, liberty and security of person; and the right to be free from torture or other cruel, inhuman or degrading treatment or punishment.

This includes the positive duty to enable people to exercise the right of peaceful assembly and not to place restrictions on this right going beyond those permitted under international law. Law enforcement agencies must therefore facilitate assemblies so as to ensure that participants can exercise this right, and should take effective steps to ensure public safety and the right of all to security of person.

In order to ensure that, they should engage in dialogue with organizers,[2] and try to foresee problems and to identify solutions that give due consideration to the rights of all involved. They should use methods of persuasion, negotiation and mediation with a view to peaceful settlement of any conflicts, and should protect participants from any violence or other actions by others attempting to harm them or interfere with their exercise of the right of peaceful assembly. They should only consider the use of force if non-violent means remain ineffective in achieving a legitimate law enforcement objective, or without any promise of doing so.[3]

Law enforcement officials should only resort to force to the extent necessary and proportionate for a legitimate law enforcement objective.[4] They should minimize harm and damage and protect third persons.[5] They must not resort to arbitrary arrest and detention or torture or other ill-treatment of organizers, participants or any other person.[6] They must not use firearms except in defence against an imminent threat to life or of serious injury.[7]

Failure to comply with obligations

Amnesty International is deeply concerned about frequent and serious violations of the rights mentioned above. In too many situations in countries in all geographic regions, state authorities have overly restricted the exercise of the right of peaceful assembly. Too many law enforcement agencies have enforced such restrictions by using excessive force to disperse assemblies or by applying an unnecessarily heavy-handed approach, including arbitrary and excessive use of

* A fuller version of this statement (IOR 40/3463/20116) appears on Amnesty International's website at https://www.amnesty.org/en/documents/ior40/3463/2016/en/.

[1] Joint report of the Special Rapporteurs, A/HRC/31/66.
[2] Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/HRC/20/27 (2012), para. 38.
[3] UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (Basic Principles), Principle 4.
[4] Basic Principle 5a.
[5] Basic Principles 3 and 5b.
[6] Article 7 ICCPR.
[7] Basic Principles 14 and 9.

force and arbitrary arrests, and ill- treatment or sometimes even torture. They have used unnecessary force against peaceful protestors, and even when some use of force would have been justified, that used has often been excessive.

- Assemblies have been dispersed by force despite being totally or largely peaceful.
- Tear gas has been used in a disproportionate manner: over wide areas, affecting participants, including peaceful participants, and bystanders alike; where there is no violence or violence by only a few individuals that could be addressed in a different way; or by tear gas canisters fired directly against persons.
- Rubber bullets have been fired randomly at a crowd without distinguishing who may be engaged in violence or not, and without seeking to avoid more serious injury by careful targeting.
- High pressure water cannons have been used even against people who are not engaged in violence at all, sometimes causing serious injury.
- Batons have often been used to disperse peaceful demonstrators or apparently for no other purpose than punishment.
- People have been killed or seriously injured by the use of firearms as a public order tool instead of being limited to situations of defence against an imminent threat of death or serious injury.
- Peaceful demonstrators have been subjected to harassment, arbitrary arrest and detention, and ill-treatment or sometimes even torture.
- In some instances, military forces are deployed in policing assemblies without sufficient training or appropriate equipment for such a task which is quite different from their normal duties.

Such use of force has frequently resulted in serious injuries and deaths.

Impunity for such violations often prevails, for those who have resorted to unlawful use of force, and for those who have failed in their command responsibility through inadequate planning and preparation, inappropriate or unlawful orders, insufficient supervision and control, or who knew or should have known that those under their command were resorting to unlawful acts and did not take all measures in their power to prevent such acts.[8]

Recommendations

Amnesty International urges the Human Rights Council to:

- Express concern about excessive restrictions on the exercise of the right to freedom of peaceful assembly.
- Strongly affirm the obligation of law enforcement officials to respect, protect and facilitate the full enjoyment of this right by all.
- Establish communication, dialogue and peaceful settlement of conflicts as the approach governing the policing of all assemblies.

And to call on states to:

- Repeal or amend any legislation that imposes restrictions on the right to freedom of peaceful assembly beyond those permitted under international law, or permits criminalization of anyone for exercising the right, or that requires organizers to obtain prior authorization for assemblies, and ensure that if the law imposes a prior notification requirement, it permits spontaneous assemblies that have not complied with notification requirements.
- Ensure that law and practice comply with the recommendations on the right of peaceful assembly of the Special Rapporteurs.[9]
- Facilitate the holding of assemblies, including spontaneous assemblies.

[8] See Basic Principle 24.

[9] In particular, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/HRC/20/27 (2012), and Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, A/HRC/17/28 (2011).

- Ensure that authorities prepare and plan for assemblies with a view to ensuring the best possible conditions for the exercise of the right of peaceful assembly, and with a view to preventing and avoiding situations where they might need to resort to the use of force.
- Ensure that in policing assemblies the overall approach is based on willingness to engage in dialogue and methods of negotiation and peaceful settlement of conflicts, and that law enforcement authorities consider the use of force only if non-violent means remain ineffective or without any promise of achieving a legitimate law enforcement objective, and only to the extent that is necessary and proportionate to achieving that objective.
- Ensure that authorities do not disperse assemblies simply because the organizers have failed to comply with notification requirements, and do not use force to disperse assemblies merely because they are considered unlawful under national law.
- Ensure that the law and regulations governing the use of force by law enforcement officials prohibit the use of firearms in the dispersal of assemblies or in any other situation except in defence against an imminent threat to life or of serious injury, and prohibit the use of less lethal weapons that carry a risk of causing harm disproportionate to the law enforcement objective.
- Take effective steps to prevent arbitrary arrest and detention, torture or other ill-treatment, or harassment of organizers or participants in assemblies.
- As a general rule, not to deploy military forces for policing assemblies; in exceptional instances where that is not possible, take effective measures to ensure that those forces at all times comply with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and carry out their tasks in full respect for human rights, in particular the rights to freedom of peaceful assembly and freedom of expression, and the rights to life, liberty and security of person.
- Fully implement in law, regulations and practice the UN Basic Principles, and in that endeavour to give consideration to the Guidelines for Implementation of the UN Basic Principles developed by Amnesty International for that purpose.[10]
- Ensure full accountability of all officials for actions and omissions that result in violations of human rights in connection with the policing of assemblies, including commanding or superior officers responsible for the planning and preparation of the policing of public assemblies, for orders and instructions given and for supervision and control of those deployed on the ground.

---

[10] *Use of Force: Guidelines for the Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.* Amnesty International, The Netherlands, Police and Human Rights Programme, September 2015, https://www.amnesty.nl/sites/default/files/public/ainl_guidelines_use_of_force.pdf.

United Nations A/HRC/31/NGO/163

General Assembly

Distr.: General
22 February 2016

English only

Human Rights Council
Thirty-first session
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-02697(E)

Please recycle

Myanmar: UN support is still required to improve the human rights situation

The recent elections in Myanmar should not be seen as a sign that the UN Human Rights Council's (Council/HRC) engagement is no longer needed in Myanmar. When it assumes power at the beginning of April 2016, Myanmar's new government will be confronted with a wide range of human rights challenges, and it is unclear, at this stage, what capacity it will have to address them. The Council's attention to the human rights situation in Myanmar is still necessary to ensure the new government receives the support it needs to fulfil its international human rights obligations and commitments.

The Council should, therefore, adopt a resolution under agenda item 4 on the situation of human rights in the country and extend the mandate of its Special Rapporteur on the situation of human rights in Myanmar. Only when the genuine commitment and ability of the new government to bring about human rights change has been demonstrated, and a national office of the Office of the High Commissioner for Human Rights (OHCHR) has been established in the country, should the mandate of the Special Rapporteur be reconsidered.

Myanmar faces a breadth of major human rights issues and challenges. The new administration will need to take swift action to address discrimination against ethnic and religious minorities – in particular the Rohingya and other Muslims. Furthermore, the growing influence of radical groups promoting hate speech must be eliminated. The government will also have to: take steps to end human rights violations and abuses in areas of armed conflict; tackle the systemic and structural issues that allow for politically motivated arrests and imprisonment; and address the human rights and environmental impacts on individuals and communities resulting from large-scale investment and infrastructure projects.

Additionally, another significant challenge facing the new government will be negotiating its relationship with the military, which even with the change of government still retains significant political and economic power. In Parliament the military holds a legislative veto over constitutional changes, and it has the overall control of key ministries – namely the Ministries of Home Affairs; Border Affairs; and Defence, which are crucial in protecting and upholding human rights. Without control over these keys ministries it is unclear to what extent the new government will be able to deliver human rights reforms.

HUMAN RIGHTS CONCERNS SINCE MARCH 2015

The protracted human rights crisis in Rakhine State has further deteriorated in the past year. Following the decision by President Thein Sein to revoke all Temporary Registration Cards (TRCs), known as "white cards", the majority of the Rohingya have been left without any form of identity document. Amnesty International has found, along with other independent human rights organizations, that many of the Rohingya were prevented from voting in the recent elections. Adding to their political disenfranchisement, almost all Rohingya and many Muslims who applied to run as candidates in the elections were disqualified on discriminatory citizenship grounds.

Since the last HRC resolution on Myanmar,[1] the country has adopted four deeply discriminatory laws aimed at "protecting race and religion". Originally proposed by radical Buddhist groups, the *Religious Conversion Law*, the *Buddhist Women's Special Marriage Law*, the *Population Control Healthcare Law* and the *Monogamy Law* were passed despite containing provisions that violate human rights standards, including by discriminating on religious and gender grounds. Indeed, the past year has seen hardline Buddhist groups grow in power and influence. Myanmar has been marked by an alarming rise in religious intolerance and, in particular, anti-Muslim sentiment. The authorities failed to address incitement to discrimination and violence based on advocacy of national, racial and religious hatred. Instead, human rights defenders and others who spoke out against hardline Buddhist groups faced harassment, threats and in some cases arrests, prosecution and imprisonment.

[1] Situation of human rights in Myanmar, UN Doc. A/HRC/RES/28/23, 2 April 2015.

The intensification of the internal armed conflicts in northern Myanmar between ethnic armed groups and the Myanmar Army led to around 100,000 people being newly displaced in 2015 alone. Violations of international human rights and humanitarian law by the Myanmar Army and ethnic armed groups continue. They include unlawful killings, disappearances, rape and other forms of sexual violence, forced labour such as portering, the recruitment of child soldiers and restriction of humanitarian access.

Despite a prisoner amnesty on 22 January 2016 that saw 102 individuals – including some prisoners of conscience – released, nearly one hundred prisoners of conscience remain behind bars, while hundreds of human rights defenders and peaceful activists are on trial facing imprisonment for the peaceful exercise of their human rights. Moreover, the authorities continue to subject human rights defenders and other activists to multiple forms of monitoring and harassment. Amnesty International welcomes reports that the incoming government will prioritize the release of all prisoners of conscience. However, arbitrary arrests and detentions are likely to continue as long as repressive laws remain on the books. Co-operation with the army-controlled Ministry of Home Affairs, which oversees the police force, the judiciary, prison system and local administration, will be key to ending this abusive cycle.

Amnesty International notes that previous HRC resolutions on Myanmar have made insufficient reference to economic, social and cultural rights. Ongoing concerns about forced evictions as well as the human rights and environmental impacts of corporate projects, in particular, have not received sufficient attention. Investment and large-scale development projects are being carried out without benefitting local populations and communities or taking into account their concerns. The Council should include strong language relating to economic, social and cultural rights in the 2016 resolution and request that the Special Rapporteur continue to monitor developments in this area as part of her mandate.

We remain concerned about persistent impunity for human rights violations committed by the security forces and other government officials. Failure to hold those responsible to account denies victims and their families their rights to justice, truth and reparations. The organization is especially concerned about the recent passage of the *Former Presidents Security Law*, which has the potential to grant former presidents lifetime immunity for human rights violations and crimes under international law.

NEED FOR THE PROMPT OPENING OF AN OHCHR COUNTRY OFFICE

The Office of the UN High Commissioner for Human Rights (OHCHR) has still not yet been able to establish a country office in Myanmar. While several OHCHR staff are able to work in Myanmar, Amnesty International is concerned that they do not have full and sustained access to all parts of the country. The establishment of an OHCHR office, with a full protection and promotion mandate and access to all areas of the country, is crucial to ensure monitoring of the human rights situation in the country.

In the past, the HRC resolution and the mandate of the Special Rapporteur have been crucial to provide independent monitoring of the human rights situation and to formulate relevant recommendations to further secure human rights protection for the people of Myanmar. In light of the challenges facing the new government, Amnesty International believes that the Special Rapporteur's mandate must be extended and the HRC resolution maintained. Before withdrawing its attention, the international community must assess the extent to which the new administration is both able and willing to improve the human rights situation in the country.

RECOMMENDATIONS:

- Amnesty International recommends that the HRC extend the mandate of the UN Special Rapporteur on the situation of human rights in Myanmar and urge the government to co-operate fully with the Special Rapporteur and other thematic Special Procedures.

Further, Amnesty International recommends that the HRC, its members and observer States call on the new Government of Myanmar to:

- Release immediately and unconditionally all prisoners of conscience and drop charges against persons currently not detained, but who are facing imprisonment simply for the peaceful exercise of their human rights;
- Ensure human rights defenders and journalists can carry out their legitimate work without fear of reprisal;

- End all discrimination in law, policy and practice against ethnic and religious minorities, and ensure Rohingya have equal access to citizenship rights;
- Ensure free and unimpeded access to Rakhine State by humanitarian actors, international human rights organizations, journalists and other international observers;
- Ensure that humanitarian aid organizations have full and unfettered access to all displaced persons throughout Myanmar;
- Immediately put an end to all violations of international humanitarian and human rights law, notably rape and other crimes of sexual violence, especially against members of ethnic minority groups;
- Urgently enact and enforce legislation prohibiting forced evictions and strengthen environmental safeguards to ensure that people are protected against infringements of their human rights caused by pollution of water, air or soil by extractive and manufacturing industries;
- Ensure all those who are responsible for human rights violations and abuses – including those with command responsibility – are brought to justice in fair proceedings, without the imposition of the death penalty, and that victims can access truth, justice and full and effective reparation;
- Ratify and effectively implement international human rights treaties, in particular the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights, and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and
- Facilitate the establishment of a country office of the OHCHR able to operate throughout Myanmar with a full promotion and protection mandate.

United Nations A/HRC/31/NGO/164

General Assembly

Distr.: General
22 February 2016

English only

Human Rights Council
Thirty-first session
Agenda items 2 and 8
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Follow-up to and implementation of the Vienna Declaration and Programme of Action

Written statement* submitted by Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-02698(E)

Please recycle

The UNGASS on drugs outcome document must urge the respect and protection of human rights as an integral part of drug policies[1]

Amnesty International (AI) welcomes the report on the "Outcome of the panel discussion on the impact of the world drug problem on the enjoyment of human rights"[2], which is an important contribution to the forthcoming UN General Assembly Special Session on drugs (UNGASS on drugs). As highlighted during the Human Rights Council (HRC) panel discussion, human rights violations, including the use of the death penalty for drug-related offences, continue to occur routinely as a consequence of the implementation of the international drug control regime.[3]

AI urges all States to take immediate steps to implement the recommendations contained in the OHCHR study presented to the HRC panel discussion[4] and, in particular, to ensure that drug policies and programmes do not result in human rights violations, including through international cooperation. The organization also urges States to encourage relevant UN agencies, including the UNODC and the Committee on Narcotic Drugs, to take account of the HRC panel discussion in their work. They should also ensure that the respect and protection of human rights are an integral part of the UNGASS on drugs discussion and its outcome document (the Outcome Document).

References to human rights are absent from the current draft Outcome Document. It is particularly regrettable that the prohibition of the death penalty for drug-related offences has so far been excluded from it. States must ensure that the final Outcome Document includes a call to respect the right to life of persons convicted of drug-related offences in accordance with article 6 of the ICCPR and the jurisprudence of the Human Rights Committee.[5] In relation to this, AI supports the proposal made during the HRC panel discussion to establish an expert advisory group to promote coherence within the UN system on drug policy,[6] with a view to ensuring better coordination between Vienna-based UN bodies and human rights mechanisms.

Hundreds of executions are carried out each year for drug-related offences, despite the fact that such offences do not meet the threshold of the "most serious crimes" to which the use of the death penalty must be restricted in accordance with international law and standards. AI recorded death sentences and executions for drug-related offences in 11 countries in 2014 and in 2015.[7] Drug-related offences are still punished or punishable by death in more than 30 countries.[8]

In several countries including Iran, Malaysia and Singapore,[9] drug-related offences continue to be mandatorily punished by death despite the fact that mandatory death sentences, even for the most serious crimes, are contrary to international law.[10] Credible evidence also indicated that in Iran, Janat Mir, who was below 18 years of age at the time of the crime, was executed for drug-related offences in 2014, in violation of international law. Human rights groups reported that

---

[1] A version published on the AI website includes longer footnotes and other additional information, https://www.amnesty.org/en/documents/ior40/3460/2016/en/.

[2] UN doc. A/HRC/31/45.

[3] See also AI, IOR 40/2437/2015 (UN doc. A/HRC/30/NGO/149) and IOR 40/2546/2015.

[4] UN doc. A/HRC/30/65.

[5] Article 6.2 of the ICCPR. See also UN documents: CCPR/CO/84/THA, para. 14; A/HRC/10/44, para. 66; A/HRC/4/20, para.53; and A/67/275, para. 66.

[6] UN doc. A/HRC/30/65, para.36.

[7] China, Indonesia, Iran, Kuwait, Malaysia, Saudi Arabia, Singapore, Sri Lanka, Thailand, United Arab Emirates and Viet Nam. See also AI report ACT 50/001/2015.

[8] This list covers offences that include drug trafficking resulting into death, drug trafficking not resulting into death, and drug trafficking by agents of the state.

[9] While some sentencing discretion was introduced in Singapore under the Misuse of Drugs Act in 2012, defendants can still be mandatorily sentenced to death.

[10] UN doc. CCPR/C/82/D/1110/2002, para. 5.2.

another juvenile offender, Osman Dahmarde, was executed in the same year though the Iranian authorities have denied this. AI has also identified Mohammad Ali Zehi, who is currently at risk of being sentenced to death for drug-related offences in Iran, as a juvenile offender.[11]

In the great majority of cases that AI has been able to document, those facing the death penalty for drug-related offences have been persons from disadvantaged or marginalized socio-economic backgrounds, with no or little means to pay for legal assistance. [12] The lack of adequate legal assistance has not only exposed them to an increased risk of torture or other ill-treatment to extract "confessions" during investigations, but also resulted, in many cases, in defendants not benefitting from adequate legal representation, including in being unable to appeal against their death sentences and being executed following grossly unfair trials.

Foreign nationals have also been at greater disadvantage before criminal justice systems in other countries and constitute a significant proportion of those sentenced to death and executed for drug-related offences.[13] International law affords them the additional protections of consular and language assistances, but foreign nationals are often deprived of such protections in countries that still retain the death penalty. Consular assistance can be critical for defendants throughout the process, including in gathering evidence that could enable them to present mitigating factors at sentencing or when appealing for clemency. AI has documented numerous cases where the authorities have failed to correctly identify and notify consular officials of the arrest of their nationals and provide the accused with interpretation throughout the proceedings from the time of arrest. Discriminatory laws and practices have also resulted in foreign nationals not being able to make use of all avenues of appeal available to the country's own nationals[14] and in their bodies not being returned to their families after the executions.[15]

In addition to this, foreign nationals can find themselves at further disadvantage depending on whether or not the country of nationality provides consular assistance and the effectiveness of any consular assistance provided. The availability and quality of consular assistance can vary according to the status of the death penalty in their country of nationality; the political agenda and willingness to intervene of the government of their country; as well as the resources available to the relevant foreign representation to assist and advocate for nationals facing the death penalty abroad. Therefore, the nationality of the defendants can become a factor directly affecting the ability of persons to defend themselves and the outcome of death penalty cases, which can render the execution arbitrary.[16] This is not only because the imposition of the death penalty where the proceedings do not adhere to the highest standards of fair trial constitutes arbitrary deprivation of life,[17] and governments that fail to make all efforts to provide effective assistance to their nationals abroad bear some of the responsibility for the outcome of the case; but also because there is an additional element of arbitrariness depending on the extent to which particular countries intervene in support of their own nationals facing the death penalty abroad, with an individual's specific nationality becoming an additional significant factor in determining their fate in the lethal lottery of the death penalty.

The lack of transparency in the use of the death penalty in several countries has exacerbated the risk of fair trial violations, including in the cases of foreign nationals, and the suffering of their relatives. It also makes the monitoring of the use of the death penalty challenging and prevents a fully informed national debate on abolition. AI has been repeatedly contacted by family members of persons under sentence of death in other countries who were unable to ascertain how the legal proceedings against their relatives were evolving, could not support them with the preparation of their cases and did not receive assistance from the relevant consulate.[18] In some cases family members learned about the execution of their relative through the media and did not receive his or her body for burial.[19]

---

[11] AI report on Iran (MDE 13/3112/2016), p.57.
[12] See, e.g., AI reports on Indonesia (ASA 21/2334/2015), Saudi Arabia (MDE 23/2092/2015), and Iran (MDE 13/3112/2016).
[13] See, e.g., AI reports ASA 21/2334/2015, pp.40-45, and MDE 23/2092/2015, pp.24-27, and UN doc. A/70/304.
[14] See, e.g., AI report ASA 21/2334/2015, p. 45.
[15] See, e.g., AI urgent action MDE 23/034/2014.
[16] The engagement of countries in this issue has been varied. See also UN doc. A/70/304, para.108.
[17] See UN doc. A/67/275, para.25.
[18] Information on file with AI.
[19] See, e.g., AI urgent action MDE 23/034/2014.

Recommendations

AI calls on States that still use the death penalty to:

- immediately establish a moratorium on executions and abolish the death penalty in national legislation;
- pending full abolition, bring provisions in national legislation that allow for the use of the death penalty in line with international law and standards, including by removing from the scope of the death penalty any offence other than intentional killing;
- review all cases where people have been sentenced to death with a view to commuting the death sentences. In particular in all cases where the death penalty has been imposed for drug-related offences or where the trial did not meet the most rigorous international fair trial standards, or in cases where the procedures were seriously flawed, offer a retrial that fully complies with international fair trial standards and that does not resort to the death penalty.

The organization further calls on <u>all</u> States to:

- ensure that their criminal justice system is adequately resourced so that the most rigorous internationally recognized standards for fair trial are respected, particularly in proceedings where the death penalty might be imposed;
- ensure that consular representation is readily available, adequately resourced and effective;
- use the UNGASS on drugs to reaffirm their commitment to the protection of human dignity and ensure that human rights violations committed in the name of international drug control regime are halted.

United Nations A/HRC/31/NGO/165

General Assembly

Distr.: General
23 February 2016

English only

Human Rights Council
Thirty-first session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status, Lawyers' Rights Watch Canada, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-02809(E)

Please recycle

Restoring the Space for Dissent in Canada

I. Recommendations

Lawyers' Rights Watch Canada (LRWC) and the Asian Legal Resource Centre (ALRC)[1] call on the Human Rights Council to continue to promote and protect the rule of law and human rights in Canada by monitoring the following issues and recommending the:

1. Repeal of national security laws that threaten dissent and advocacy.
2. Establishment of oversight mechanisms to ensure accountability of intelligence and security agencies.
3. An immediate end to "political activities audits" by the Canada Revenue Agency (CRA) of progressive charitable organizations.
4. Creation and maintenance of an enabling environment for civil society organizations (CSOs) and human rights defenders, including the restoration of appropriate funding and consultation mechanisms for CSOs, including for Indigenous organizations.

II. Background

The capacity of CSOs to engage in advocacy and dissent depends on a complex interplay of regulatory, political, and social factors. The concept of an "enabling environment" has emerged to define the scope of these factors; it goes beyond restrictions that prevent groups from existing, functioning and growing, and extends to conditions and positive measures that actively help civil society to function and thrive.[2] Between 2006 and 2015, the Government of Canada, under the leadership of the Conservative Party of Canada, developed and implemented policies and practices that created a punitive, threatening environment for dissent and for advocates. These policies and practices suppressed, harassed and intimidated human rights defenders, public science (including social science), and CSOs, as has been extensively documented by human rights groups, academics, activists and think tanks.[3] Mr. Maina Kiai, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, also expressed concern about widespread reports from CSOs in Canada regarding legal, political, economic and regulatory restrictions.[4]

In October 2015, a majority Liberal government was elected in Canada. LRWC and the ALRC applaud the commitment and transparency of the current Government of Canada (Canada) in taking the unprecedented step

---

[1] Governments throughout Asia have introduced similarly punitive and repressive measures to silence individuals and organizations engaged in dissent, human rights advocacy and efforts to participate in government. The ALRC applauds the promised actions to increase space for dissent and human rights advocacy in Canada and joins LRWC in calling on the Human Rights Council to ensure that all states take effective measures to enable the full exercise of internationally protected civil and political rights and to hold states accountable for failures to do so.

[2] CIVICUS. *State of Civil Society 2013: Creating an Enabling Environment.* <http://socs.civicus.org/>.

[3] Amnesty International, *Report 2014/15: State of the World's Human Rights,* Report, London: Amnesty International, 2015, 98; Amnesty International, *Time for Consistent Action - Amnesty International's Human Rights Agenda for Canada* (December 2013). <http://www.amnesty.ca/news/news-releases/time-for-consistent-action-amnesty-international%E2%80%99s-human-rights-agenda-for-canada> at 11-12; Maude Barlow, *Broken Covenant: How Stephen Harper Set out to Silent Dissent and Curtail Democratic Participation in Canada*, Report, Ottawa: Council of Canadians, 2015, <http://canadians.org/sites/default/files/publications/report-broken-covenant.pdf>; Healy and Trew (eds), *The Harper Record 2008-2015* (Ottawa: Canadian Centre for Policy Alternatives, 2015, In Press), <https://www.policyalternatives.ca/publications/reports/harper-record-2008-2015> [Healy and Trew]; Human Rights Watch, *World Report 2014*: Canada, Report, <http://www. hrw.org/world-report/2014/country-chapters/canada?page=1>; Voices-Voix, *Dismantling Democracy: Stifling Debate and Dissent in Canada*. Report. June 2015. Accessed February 7, 2015. <http://voices-voix.ca/sites/voices-voix.ca/files/dismantlingdemocracy_voicesvoix.pdf>.

[4] Interview with Maina Kiai, Special Rapporteur on the rights to freedom of peaceful assembly and of association (McGill University, October 23, 2013), <http://www.youtube.com/watch?v=FpoaQI5U9Gs>

of transforming its campaign promises into the commitments of Ministerial mandate letters.[5] LRWC and the ALRC further acknowledge and applaud the concrete steps taken by Canada in achieving or undertaking steps to realize approximately forty of the 200+ commitments in the first 100 days in office.

Despite these positive steps, LRWC and the ALRC are concerned that key areas identified as threats to human rights, including legal rights and freedoms of expression, association and peaceful assembly, remain in place or have been only partially addressed, thus perpetuating the chill on dissent in Canada.

- Canada committed to modify rather than repeal Bill C-51 and to "introduce new legislation that strengthens accountability". Bill C-51 (*Antiterrorism Act, 2015*[6]) thus remains in force, and there is still no effective, robust accountability or oversight mechanism, including one that would monitor and address the negative impacts of national security on human rights.[7]
- Canada terminated the "special" CRA program that had harassed progressive charities from about 2012-2015, but 24 of the 'political activities' audits are ongoing and will be completed.[8] Further, while LRWC and the ALRC acknowledge the commitment to update relevant legislative provisions, CRA guidelines still prohibit most advocacy through arbitrary and punitive limits on advocacy activities, which are characterized as "political activities" (which are distinct from partisan activities that are legitimately prohibited).
- Canada has announced that it will re-establish the Court Challenges Program, a special fund for challenging discriminatory laws and policies. However, more than 60 of Canada's leading CSOs working in human rights, environmental protection, women's issues and migrant issues were "defunded" by the previous government.[9] Equitable funding formulas for services to Indigenous peoples continue to be denied in many areas, including services for First Nations children in care.[10] Most of these decisions have not been yet reversed.

III. International Standards

Monitoring, surveillance, and information sharing under national security laws create a chilling effect for groups and individuals who wish to participate peacefully in public processes. Such activities also interfere with privacy. The rights to privacy, freedom of expression, opinion, association, and peaceful assembly are protected by the *International Covenant on Civil and Political Rights*, notably Articles 17, 18, 19, 21, and 22.

---

[5] Government of Canada website <http://pm.gc.ca/eng/ministerial-mandate-letters>.

[6] S.C. 2001, c. 41.

[7] A comprehensive analysis of the constitutional, human rights and operational concerns regarding Bill C-51, including erosion of freedom of expression, the broad prohibition on "activities that undermine the security of Canada", and provisions on information sharing have been prepared by Canada's leading experts on antiterrorism, in *Bridging the National Security Accountability Gap: A Three-Part System to Modernize Canada's Inadequate Review of National Security*, Professors Kent Roach (University of Toronto) and Craig Forcese (University of Ottawa) 11 January 2016 and *Canada's Proposed Antiterrorism Act: An Assessment* <http://antiterrorlaw.ca/>. On human rights accountability, see Eliadis, Pearl, *National Security and Human Rights*, Report (Ottawa: Canadian Human Rights Commission, 2011). <http://www.chrc-ccdp.ca/eng/content/national-security-and-human-rights>.

[8] CRA, News Release "Minister Lebouthillier announces winding down of the political activities audit program for charities" (Ottawa: Government of Canada, January 20, 2016).

[9] Pearl Eliadis, "Dismantling democracy Stifling debate and dissent for civil society and Indigenous peoples", in Healy and Trew, *supra* note 3.

[10] *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada* 2016 CHRT 2. Canada has announced recently that it will not appeal the ruling, but details of the order, including financial compensation and equitable funding mechanisms, have not yet been released as at the time of writing by the Tribunal. The Minister has, however, committed to address care services for First Nations reserves as a result of the CHRT decision.

In May 2012, Mr. Maina Kiai outlined best practices for the rights to freedom of peaceful assembly and of association, including for CSOs.[11] Mr. Kiai noted that the "right to freedom of association obliges States to take positive measures to establish and maintain an enabling environment," including the obligation to ensure that organizations can operate freely, without fear of smear campaigns. He further noted that associations pursuing objectives and employing means in accordance with international human rights law should benefit from international legal protection, stating: "Associations should enjoy, inter alia, the rights to express opinion, disseminate information, engage with the public and advocate before Governments and international bodies for human rights." Finally, he underscored that the ability of associations to access funding and resources is integral and vital to freedom of association.[12]

IV. UN Human Rights Council Mandate

The United Nations Human Rights Council is mandated to promote and protect human rights by, *inter alia*, preventing violations, removing obstacles to enforcement, engaging states in dialogue, and making recommendations for the protection of human rights.[13] The Council should affirm the illegality of monitoring and surveillance activities directed against the peaceful and lawful activities of CSOs and human rights defenders that promote environmental protection, Indigenous Peoples' rights and fundamental rights and freedoms. The Council should encourage Canada to strengthen its practical measures to reinstate an enabling environment for CSOs and human rights defenders, including the cessation of surveillance and intimidation of CSOs and human rights defenders engaged in the lawful exercise of internationally protected rights, the modernization of a framework for regulating charitable activities that allows CSOs and individuals to participate freely in democratic governance, and the re-establishment of legal and policy frameworks that support funding and therefore survival for the non-profit sector.

V. Conclusion

The ability to participate freely and meaningfully in debates on key public policy and political questions engages international human rights obligations such as obligations to ensure freedoms of opinion, expression, peaceful assembly, and association. It further engages with the growing emphasis on the processes and mechanisms that facilitate and enable the exercise of these rights and freedoms, including the duty to negotiate, to consult, to accommodate, and to participate in democratic governance.[14] According to a concurring opinion in a 2001 Supreme Court of Canada decision: "The concept of chilling effect is premised on the idea that individuals anticipating penalties may hesitate before exercising constitutional rights. In a constitutional democracy, not only must fundamental freedoms be protected from state action, they must also be given 'breathing space.' "[15]

Mechanisms that foster this breathing space and the role of civil society to participate in policy debates include the removal of anti-terrorism provisions that threaten to criminalize legitimate dissent, the availability of spaces and platforms for inclusive dialogue with government, meaningful opportunities to influence policy agendas, and normative frameworks that facilitate advocacy, collective organizing, and the ability to fundraise.

Canada is to be applauded for its efforts since the 2015 general election to address many of the issues that are raised in this statement. However, Canada must be held accountable for its commitments and ongoing vigilance is required from CSOs and human rights defenders to promote the development of a framework for an enabling environment.

---

[11] Report of Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, A/HRC/20/27, <http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A.HRC.20.27_En.pdf.PDF>.

[12] *Ibid.*

[13] General Assembly Res. A/RES/48/141 20 Dec. 1993, articles 3 (a), (f), (g), and General Assembly Res.A/RES/60/251, 3 Apr. 2006, art. 5(i).

[14] See Colleen Sheppard, "Inclusion, Voice and Process-based Constitutionalism" (2013) 50:3 Osgoode Hall LJ 547.

[15] *Dunmore v. Ontario (Attorney General)*, 2001 SCC 94 at para 148, L'Heureux-Dubé J., concurring.

United Nations A/HRC/31/NGO/166

General Assembly

Distr.: General
23 February 2016

English only

Human Rights Council
Thirty-first session
Agenda item 4
Human rights situations that require the Council's attention

Joint written statement* submitted by the Nonviolent Radical Party, Transnational and Transparty, a non-governmental organization in general consultative status, the Women's Human Rights International Association, France Libertes : Fondation Danielle Mitterrand, non-governmental organizations in special consultative status, the International Educational Development, Inc., Mouvement contre le racisme et pour l'amitié entre les peuples, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-02810(E)

Please recycle

Protection for Refugees in Camp Liberty in Iraq

Introduction

We are gravely concerned about the plight of over 1900 Iranian refugees currently residing in Camp Liberty-Iraq. They are members of the Iranian opposition movement, the People's Mojahedin Organization of Iran (PMOI). In 2012, they were forcibly relocated from their home in Camp Ashraf to Camp Liberty under pressure from government of Nouri al-Maliki and at the behest of the Iranian government. In the course of their relocation, they were denied of their most fundamental rights including among others the right to property. They were promised that they would be safe in Camp Liberty, they would soon be resettled in third countries and would also be able to liquidate their properties at Camp Ashraf.

After over three years, none of the promises have been met and they have been subjected to four deadly missile attacks, leaving 40 refugees killed and several dozens injured. In addition to the Government of Iraq, the UN and international community, specifically the US Government, also bear responsibility for their present condition.

Given the current volatile situation in Iraq, the influence and presence of paramilitary terrorist groups affiliated with the Iranian Quds Force in Iraq, threats made against the residents by Iranian officials and the lack of resolve or ability on the part of the Government of Iraq to provide security for the residents, it is vital for the international community to take all necessary measures to prevent another humanitarian catastrophe at the Camp.

Background

Since the beginning of 2009, when protection of the residents, then in Camp Ashraf, was transferred to the Iraqi authorities by the US Government, despite strong opposition from NGOs and others, the unarmed residents have been subjected to several deadly attacks:

- 28-29 July 2009 in Camp Ashraf (11 killed and hundreds injured);
- 8 April 2011 in Camp Ashraf (36 killed and hundreds injured);
- 9 February 2013 a missile attack against Camp Liberty left 8 killed and dozens injured;
- 15 June 2013, another missile attack against Camp Liberty left 2 killed and dozens injured;
- 1 September 2013, the 101 asylum-seekers who remained in Camp Ashraf were attacked while the Camp was surrounded by the security forces of the Iraqi Government. 52 were executed, some with their hands being tied behind their backs and seven abducted, six of whom women;
- 26 December 2013 a missile attack against Camp Liberty left four killed and dozens injured, while 18 patients lost their lives due to lack of proper access to medical treatment.

In reaction to those events special procedures mandate holders, the UN High-Commissioner for Human Rights and UN Secretary-General expressed their concern and condemned those heinous attacks. Many have repeatedly called for independent investigations into those attacks. But no action has been taken to investigate these crimes against humanity. Thus it is time for the UN to conduct a thorough investigation and bring those responsible to justice.

The 29 October 2015 rocket attack

On 29 October 2015, Camp Liberty was attacked again with rockets, leaving 24 dead and hundreds wounded while a large section of the camp was destroyed.

Camp Liberty is in a completely protected district in Baghdad near its international airport and close to the deployment of U.S. forces. The site of launch of the missiles, according to Iraqi security forces, was about 3 km from the camp. This area is replete with some of Iraq's most trustworthy security and military forces. To reach this area one needs extensive assistance and influence within Iraq's security and military forces.

Once again, the UN Secretary-General and the UN High Commissioner for Refugees condemned the attack and so did U.S. Secretary of State, the EU High Representative, the UK, French and German governments, leaders of the U.S. House and the Senate, hundreds of parliamentarians from European countries. They called for provision of safety and security for the residents, urged perpetrators of the attack to be identified and held accountable, and advocated speeding up residents' resettlement process.

Despite all these calls, those in charge of this case in the Government of Iraq have failed in providing the minimum protection and security to the residents and to prevent similar attacks or to identify the perpetrators of this brutal assault. On the contrary, following the attack, they ratcheted up the antihuman siege on Camp Liberty for several days.

A deliberated policy

Ever since 2009, Tehran and the Quds Force and their proxies have systematically attempted to assign their fully trusted elements for the protection and management of Camp Ashraf and subsequently Camp Liberty and given them free hand in suppression of residents and their inhumane siege, as well as in surveillance and collecting information on residents.

It is now seven years that Camp Ashraf and subsequently Camp Liberty have been under the severest blockade. According to accurate reports, this blockade that is a blatant violation of international law, as well as the Memorandum of Understanding (MoU), had originally been coordinated between the Iranian authorities and Maliki's government. In the 18 months following Maliki's removal from power, Faleh Fayyadh, who was his security advisor and remains in his post, has been coordinating these suppressive measures and the imposition of restrictions with the Iranian embassy in Baghdad. In these seven years, twenty-seven residents have lost their lives due to this inhumane siege and lack of free access to medical services.

Failures of Government of Iraq

The MoU signed in December 2011 between the Government of Iraq and the United Nations underlined among others that Camp Liberty shall meet the required humanitarian and human rights standards.

Conditions in the camp are such that in 2012, the UN Working Group on Arbitrary Detentions (WGAD) described the situation as an illegal detention in two detailed reports[1]. The WGAD in its document A/HRC/WGAD/2012/16 concluded that: 'The Working Group considers that there is no legal justification for holding the above-mentioned persons and other individuals in Camp Liberty, and that such detention is not in conformity with the standards and principles of international human rights law'.

Right to property

Regarding funding the resettlement, until now, almost all expenses, including costs of transfer, accommodation and living expenses of the residents have been shouldered by the PMOI. This is indeed a rare example in the history of asylum where the expenses are paid by the refugees themselves and their political organization.

PMOI agreed incurring all resettlement costs from the onset subject to selling its properties at Camp Ashraf. Since 2011, prior to relocation from Ashraf to Liberty, SRSG Martin Kobler and US Department of State Special Envoy, Representative Ambassador Dan Fried repeatedly promised PMOI that residents would be allowed to sell their property.

The joint plan by the UN Assistance Mission in Iraq (UNAMI) and the U.S. Embassy for evacuation of Ashraf on September 5, 2013 stipulated: "The GOI shall allow the residents to sell their property at any time" and "The GOI shall safeguard and guarantee all Camp Ashraf property."

According to documents, all the property at Camp Ashraf, moveable and imovable, belong to the PMOI and the residents. The PMOI made an extensive effort to sell the property in 2012. An Anglo-Iraqi company purchased all of the property for $550 million. But the then GOI prevented the implantation of the contract by intimidating the representatives of the company in Baghdad. Residents were not even allowed to take measures for safeguarding the property. To the contrary, Camp Ashraf has not only been occupied by forces affiliated with the Iraqi government, but the locks on its warehouses have been broken and the goods stolen. This is a clear violation of the Residents' right to property and also the failure of UN to protect their rights.

Conclusion and Recommendations

When analyzing the events in Camp Ashraf and Camp Liberty, it appears that:

[1] A/HRC/WGAD/2012/16 and A/HRC/WGAD/2012/32

- The Iraqi authorities failed to fulfill the commitments made by signing the Memorandum of Understanding with the UN;
- There is absolutely no evidence of any investigation by the Government of Iraq into deadly attacks on Camp Ashraf and Camp Liberty since 2009;
- Those attacks occurred despite the high number of Iraqi security forces deployed around Camp Ashraf and Camp Liberty, which seems to substantiate the thesis of a possible implication of those forces into the massacres.
- Furthermore, as stated earlier, the case also reflect a failure on the part of international community and as such requires immediate action by the UN and the relevant governments.

The international community has four fundamental responsibilities with regard to Camp Liberty:

A. Guarantying the resettlement
B. Provision of security and wellbeing of residents until the last resident leaves Iraq
C. Annulling any restriction on the Camp for as long as the residents remain there
D. Conducting an investigation into the seven massacres of residents, especially that of September 1, 2013 in Ashraf and the slaughter of October 29, 2015 in Camp Liberty.

United Nations A/HRC/31/NGO/167

General Assembly

Distr.: General
23 February 2016

English only

Human Rights Council
Thirty-first session
Agenda item 7
Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by Adalah – The Legal Center for Arab Minority Rights in Israel, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 January 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-02816(E)

Please recycle

Addressing Prevailing Impunity for Israel's Violations of International Law

As independent human rights organizations working to protect the rights of Palestinian residents of the occupied Palestinian territory (oPt), we welcome the opportunity to contribute to the Human Rights Council (HRC), particularly Agenda Item 7. We are deeply concerned, and request intervention by the HRC to effectively address:

- The ongoing lack of domestic accountability in Israel for serious violations of International Humanitarian Law (IHL) and International Human Rights Law (IHRL), such as those committed in the context of repeated Israeli military operations in the oPt, particularly the Gaza Strip, but also in the occupied West Bank (including East Jerusalem);
- Israeli forces' use of excessive and intentional force without justification against Palestinian civilians in the oPt, including journalists and medical crews. Alleged cases of the deliberate fatal shooting of individuals who posed no imminent danger to life amounts to an appalling pattern of apparent systematic unlawful killings;
- Israel's prolonged military occupation of the oPt comprising many illegal aspects, including the eight-year closure/blockade of the Gaza Strip, which is the root cause of recurring violence and ongoing violations of the human rights of Palestinians;
- Israel's persistent non-cooperation with independent international investigations, including relevant UN Special Procedures and especially the Special Rapporteur on the human rights situation in the oPt, and commissions of inquiry.

Between July and the end of August 2014, 2,219 Palestinians were killed during "Operation Protective Edge" (OPE); Israel's massive military operation in the Gaza Strip. [1] Between June and August 2014, 27 Palestinians, including five children, were killed in "Operation Brother's Keeper" in the occupied West Bank, including East Jerusalem.[2]

The UN-established Commission of Inquiry (COI) found the possible commission of serious international law violations, characterized as widespread and systematic, in the course of these Israeli military operations. It concluded that impunity prevails across the board for violations of international law committed by Israeli forces, whereby Palestinian victims are systematically denied their right to effective remedies and reparations. In July 2015, the HRC adopted a resolution on ensuring accountability and justice for all violations of international law in the oPt. The resolution received overwhelming support by HRC member States, including unanimous support of EU members. The resolution called for the implementation of all the recommendations in the COI's report.

A November 2015 briefing[3] by Al Mezan Center for Human Rights in Gaza (Al Mezan) outlines that as of 31 May 2015 a total of 1,248 civil compensation notifications were filed to the compensation officer at the Israeli Defense Ministry; and that as of July 2015 a total of 354 criminal complaints were submitted to the Military Advocate General (MAG) and the Israeli Attorney General.

However, the vast majority of these civil and criminal complaints remain unanswered or have already been closed, indicating that, as in the past, the perpetrators will not be held accountable for serious IHL and IHRL violations against Palestinians.[4] The case of the four Bakr children killed on Gaza beach was opened for an investigation, but was quickly

[1] Coalition comprised of Al Mezan, Al-Haq, Palestinian Center for Human Rights, and Al Dameer Association for Human Rights – Gaza, who carried out monitoring and documentation during OPE.

[2] See OCHA, Humanitarian Bulletin Monthly Report June – August 2014, p.3: http://www.ochaoPt.org/documents/ocha_oPt_the_humanitarian_monitor_2014_10_03_english.pdf.

[3] Briefing on Israeli investigations into criminal complaints submitted by Palestinian NGOs in Gaza on behalf of victims of attacks on Gaza in July and August 2014. It is available here: http://mezan.org/en/uploads/upload_center/kiWkMhPrYIZx.pdf

[4] For details about the status of the complaints filed by Adalah and Al-Mezan, see Adalah's Report to: The United Nations Independent Commission of Inquiry on the 2014 Gaza Conflict, 31

closed in June 2015, without interviewing key witnesses.[5] The case of Israel's attacks on Mebarat Palestine that killed two people with disability, injured others, and destroyed the center, was also promptly closed without a criminal investigation.

The long-standing significant concerns about Israel's investigatory mechanisms, and the lack of will to effectively remedy it, are underscored by the August 2015 report of the government-appointed Ciechanover Commission. The mandate of this Commission was to recommend practical steps towards implementing the recommendations of the Turkel Commission. However, it refrained from advocating for the adoption of domestic legislation defining the offenses of war crimes, including liability for command responsibility, in a manner that conforms with international law. The substance of its report has cemented our very significant concerns relating to the basic issue of genuineness of national proceedings in Israel concerning alleged laws of war violations, due to, a) the absence of an adequate legislative framework for investigations and prosecutions, b) the deliberate focus of proceedings on low-level or marginal perpetrators despite evidence on those more responsible, and c) more general issues relating to the "dual role" of the MAG and a lack of political will.

In addition, domestic Israeli investigations continue in practice to deviate substantially from international law requirements, including:

- Lack of an independent investigatory mechanism (independence/impartiality): The Israeli military's newly established Fact-Finding Assessment Mechanism (FFAM) belongs to and is under the authority of the military, and is still within the hierarchy and internal organization of the army;
- The MAG fosters an incorrect and extremely concerning interpretation of the IHL principles of proportionality, distinction, and precaution, which led, during OPE, to thousands of civilian casualties, and to the widespread destruction and damage of civilian objects, including an enormous number of family homes;
- Lack of a time frame for examinations and investigations and long delays in responding to complaints (promptness);
- Unwillingness of the MAG to disclose information on witnesses and testimonies, and other evidence (transparency): In many responses, the MAG emphasized that all investigative material is classified or "secret," including the identity of the witnesses, which raises suspicion regarding the reliability of the evidence; and
- Unclear circumstances under which the MAG will open an investigation.

Palestinians, in particular residents of the Gaza Strip, also face severe barriers to access redress in Israel. Due to the severe restrictions of movement imposed by Israel's eight-year blockade of the Gaza Strip, which limit exit permits to exceptional and urgent humanitarian cases, Palestinians are denied the right to appear at hearings in cases against the Israeli military, which leads to their cases being dismissed. In addition Israel also imposes numerous barriers such as a

---

January 2015, pp 14-16: http://www.adalah.org/uploads/Adalah-Submission-UN-COI-Gaza-2015.pdf and the updated status of complaints list, January 2016: http://www.adalah.org/uploads/Adalah-Gaza-Case-List-Updated-20-Jan-2016.pdf; and see Al Mezan's BRIEFING UPDATE: 15 November 2015 Israel's investigations on criminal complaints submitted by Palestinian NGOs in Gaza on behalf of victims of attacks on Gaza in July and August 2014

[5] See *Al Mezan & Adalah: "Israeli investigation system is fundamentally flawed. The army cannot investigate itself."* Available at http://www.mezan.org/en/post/20956.

shorter statute of limitations[6] and high financial guarantees[7] that essentially prevent Palestinians from Gaza from receiving civil remedies and compensation for their injuries by the military from Israeli courts.[8] [9]

The lack of accountability in Israel for its repeated severe violations of IHL and IHRL fosters a culture of impunity that ensures the repetition of its devastating military assaults, and the continuation of its prolonged occupation of the oPt. Further, Israel's refusal to cooperate with independent international mechanisms, such as the COI, has profound implications for the protection of human rights worldwide. Accordingly, we call on the HRC and members states to:

1. Condemn Israel's persistent non-cooperation with UN Mechanisms, including Special Procedures;
2. Insist that Israeli forces' apparently excessive and intentional use of force against Palestinian civilians in the oPt is subject to independent and credible criminal investigations;
3. Demand that Israel immediately lift the closure/blockade of the Gaza Strip and cease collective punishment of Palestinians in the oPt, including East Jerusalem;
4. Reiterate that Israeli violations of IHL and IHRL are rooted in Israel's prolonged military occupation of the oPt, the inherently discriminatory features of which thwart the pursuit of justice for Palestinian victims.
5. Demand that Israel remove all barriers for Palestinians to access Israeli courts to pursue civil claims against the Israeli military's unlawful actions that include killings and damages;
6. Conclude that, to date, Israeli domestic investigations demonstrate an unwillingness and inability to genuinely carry out investigations or prosecutions in compliance with international standards;
7. Urge the High Commissioner to conduct a comprehensive review of the implementation of the COI-Gaza report's recommendations and to suggest possible mechanisms that could be established to ensure their implementation, including the consequences of non-compliance with international law and the report's recommendations and to present a report therein to the Council at its next session.

Al Mezan Centre for Human Rights and Lawyers for Palestinian Human Rights, NGOs without consultative status, also share the views expressed in this statement.

---

[6] Section 5a(c) of the Civil Wrongs Law shortens the statute of limitations from seven to two years in lawsuits submitted against the state concerning actions of the security forces.

[7] The average sum of the guarantee is NIS 30,000 (EUR 6,730).

[8] For examples of cases dismissed because of Israel's policy of denying entry, see Adalah COI, pp 23-26.

[9] In December 2014, the Supreme Court contradicted a 2006 decision and upheld the onerous regulations, effectively closing the doors of the Israeli courts to Palestinian residents from Gaza for their civil compensation claims, which thereby also constitutes a serious breach of Israel's obligations under IL.

United Nations A/HRC/31/NGO/168

General Assembly

Distr.: General
23 February 2016

English only

Human Rights Council
Thirty-first session
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the Jubilee Campaign, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-02818(E)

Please recycle

Interactive Dialogue with Special Rapporteur on situation of human rights Islamic Republic of Iran

Human Rights and Freedom of Religion or Belief

Jubilee Campaign would like to provide information concerning egregious human rights conditions perpetrated by the government of the Islamic Republic of Iran. The enormous lack of religious freedom in Iran is one of Iran's largest downfalls in its human rights record. Widespread human rights violations continue to pervade Iran's government and society. Though Iran is a signatory to the International Covenant on Civil and Political Rights, which ensures freedom of religion under Article 18, Iran continues to use its strict Islamist rule to be intolerant of religions other than Ja'afari Shia Islam. The election of President Rouhani brought hope as he made numerous public statements promising minority groups justice and equal treatment. Unfortunately, these promises have proved entirely empty, and Rouhani's term has, on the contrary, brought increased discrimination to minority religions.

Freedom of Religion or Belief

Iran bases all of its legislation on Islamic teachings, including its constitution which strictly declares Iran to be an Islamist state, so though it provides official status to three minority religions—Christians, Jews, and Zoroastrians—these religions must operate within the confines that the Islamic constitution sets. The freedoms that these minorities do receive are very limited and often are not properly regarded by authorities. Because the constitution uses broad phrasing and justifies any ruling that can be supported by Islamic doctrine, authorities regularly take advantage of the law to target and discriminate against religious minorities. Oftentimes, religious minority members are tried under other allegations such as political offenses and security charges, when in reality, the core nature of their arrest is due to their religion.

Discrimination and Persecution of Christians

Despite that Christianity is officially recognized by Iran's government as a minority religion, Christians are among some of the most targeted peoples in Iran, especially those who have previously converted from Islam. All Christian groups and members must be registered with the government. They are then constantly monitored by the Ministry of Intelligence and Security (MOIS) or the Islamic Revolutionary Guard Corps (IRGC). The MOIS has caused many Christians to flee the country due to intimidation and threats and is known to turn communities away from those who convert to Christianity or preach it to others. Christian churches are forbidden to use the official language of Iran, Farsi, in their services. Their adherence to this law is monitored by government officials.

Christians have been given the freedom of practicing their faith, however, as per the law, proselytizing is strictly forbidden. Because sharing one's faith with others is a key Christian teaching, Christians are therefore restricted from fully exercising their beliefs.

In 2015, at least 90 converts to Christianity were reported as being arrested and imprisoned for their faith. Christians who are detained are often not provided due process. They are sometimes held without receiving a lawyer or even a formal charge, and often their sentences are unjustly elongated. It is also very common for Christians to face both physical and psychological torture while detained as an attempt by authorities to get information or confessions out of them. Furthermore, they can be placed in prison alongside criminals who have been arrested for violent crimes, which threatens the Christians' safety. Finally, while some receive basic medical attention, others are completely denied it. Last November thirteen Christians were arrested in Varamin. Family members were left to worry about the whereabouts of those arrested because authorities did not disclose where they took the Christians.

Discrimination and Persecution of Baha'is

Baha'is are one of the most targeted and vulnerable religious groups in Iran. They receive absolutely no religious rights or legal protection because their faith is not recognized by the government. Baha'is are also ostracized from things such

as education and housing. Over the past couple years, nearly 100 Baha'i-owned businesses have been shut down by the government. This demonstrates the total lack of freedom that Baha'is experience, affecting not only their religious affairs, but every sector of their lives.

In 2015, there were at least 100 Baha'is in prison because of their illegal belief. All Baha'i members are mandated to register with the police. Twenty-four Baha'is were recently arrested for practicing their faith. The government often escalates punishment as not just punishing for illegal religious activity but also as threatening the state. Baha'is, similar to evangelical Christians, are considered a threat to Iran's Islamic-run government. Like Christians, Baha'is also suffer from a lack of due process.

Restrictions and Closure of Religious and Religiously-Affiliated Buildings

After the 1979 Revolution, the government has ceased all approval for the establishment of new churches and has proceeded to do away with many buildings associated with a minority religion including churches and businesses owned by Baha'is.

Tehran has experienced numerous forced church closures. One of those includes Emmanuel Protestant Church, where most of the 13 arrested Christians reported above attended before it was forcibly closed in 2012. Authorities announced in January 2016 that the Chaldean Catholic Church of Tehran, which was illegally confiscated two years ago, is to be turned into a Muslim prayer center. When community members approach the government with complaints over the illegal confiscation of churches such as this one, the government notoriously responds with inaction. Churches that do remain open are monitored by the government with security cameras and are not allowed to operate using the Persian language. House churches, which spread throughout Iran in recent years, have been especially under threat as police often violently raid the homes taking personal items and arresting attendees.

Recommendations:

- Put pressure on Iran to adhere to international standards regarding religious freedom, especially referring to those covenants such as the International Covenant on Civil and Political Rights, which Iran has signed on to.
- Continue requesting that Iran allow the UN Special Rapporteur on the Human Rights Situation in Iran and the UN Special Rapporteur on Freedom of Religion or Belief into the country.
- Urge the government to recognize more religious minorities, especially the Baha'i faith, and give them the right to practice their faith, as well as restore their rights in other sectors such as their rights in business and education.
- Call on the government to respect the rights of the religious minorities that have already been recognized by the state. The HRC must condemn the arrests and unfair treatment of those charged because of their religion.
- Require the government to make their constitution and laws more specific so that authorities cannot exploit the law or justify their discrimination of religious minorities based on their interpretation of Islamic teachings.
- Call on the government to release all prisoners who are currently being held on the basis of their religious convictions.

United Nations A/HRC/31/NGO/169

General Assembly

Distr.: General
23 February 2016

English only

Human Rights Council
Thirty-first session
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the Jubilee Campaign, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-02819(E)

Please recycle

Interactive Dialogue with Special Rapporteur on situation of human rights in the State of Eritrea

Human Rights and Freedom of Religion or Belief in Eritrea

Jubilee Campaign seeks to draw the Council's attention to the domestic human rights and religious freedom situation in the State of Eritrea. This past June, the Commission of Inquiry on Human Rights in Eritrea released a 484-page report documenting the human rights condition in Eritrea. However, because of the Eritrean government's lack of cooperation, the COI was not able to enter into the country and investigate the conditions in its entirety, but was forced to rely on the testimonies of those who have been forced to leave Eritrea. Meanwhile, human rights violations remain that must be investigated further, including the government's use of military conscripts for forced labor, government censorship, and religious persecution.

Forced Labor

In 2008, a Vancouver-based mining company, Nevsun Resources Ltd, broke ground for the Bisha mine located 150 km west of Asmara. The Eritrean government has a 40% stake in the company, and allegations have emerged that the government used conscripts to help build the mine.

Elsa Chyrum, Director of Human Rights Concern Eritrea and partner of Jubilee Campaign, interviewed Eritrean refugees who claimed they had worked for the military as conscripts and were forced to work at the Bisha mine. If they refused, they would be killed, tortured, or detained indefinitely. The interviewees reported that they worked in extreme heat, and conscripts were often subject to malaria, diarrhea, and collapsing. The conscripts are believed to have been provided under Segen Construction, a state-owned contractor.

The Bisha mine is not the only case of forced labor in Eritrea. Conscripts are used in other government construction sites and government-owned farms. Some conscripts report not getting paid, however in general the pay that is received is inadequate to support a family. Harsh military discipline and torture is widely reported, while women report frequent sexual abuse by the commanders.

Government Censorship

Eritrea has maintained its position over the years as the most censored country in the world. Less than 1% of the Eritrean population is able to go on the Internet. In addition, there are no privately-owned media outlets. All that is left in the country for media is government-run outlets that are strictly supervised. Even those who work for the government-run outlets live in fear. The government also restricts assembly, requiring public gatherings of more than 7 people to obtain a permit. Eritrea currently has 23 journalists in prison, the highest amount in all of Africa.

Freedom of religion or belief

Currently, only four religious denominations are officially recognized by the government of Eritrea: Sunni Islam, the Eritrean Orthodox Church, the Evangelical Lutheran Church of Eritrea, and the Roman Catholic Church. Other religious groups must register in order to practice their faith; however, the process is onerous, intrusive and seemingly inconclusive. If found practising their faith, adherents of non-recognised creeds are arrested and detained without charge or trial and can face torture or even death. In many instances those belonging to recognised groups also face repression.

In order to be registered, a religious community has to provide details of its history in the country, the particular benefit the group or religion offered, the names and personal information of the group's leaders, its assets, a description of the group's conformity to 'local culture', and a declaration of all foreign sources of funding. In reality, the process proves to be obstructive, intrusive and ultimately indefinite, as evidenced by the fact that almost a decade later and despite meeting all registration requirements, the Seventh Day Adventist Church, the Presbyterian Church, Faith Mission

Church, and the Baha'i faith are yet to receive official recognition. Meanwhile, Jehovah's Witnesses have been completely stripped of their citizenship, denying them their basic rights.

Having registration, however, does not protect a religious organization from government intrusion. There have been reports that the government selects the religious leaders, controls finances, and dictates what can be taught or preached.

Not being able to register their religious organization or not wanting to submit to the government's control of their religion has caused many religious groups to meet in secret. However, if found out, those meeting are arrested and detained.

Thousands of mostly Protestant Christians are thought to be detained indefinitely, some of which are held in metal shipping containers. Although some were initially released after pledging to renounce their faith, none have been formally charged or tried and all are held pending similar denials of faith. Barring a renunciation of faith, prison terms are harsh and lengthy.

Religious persecution has also been faced by those serving in the military. Individuals have reported being punished for reading their Bible or being caught praying.

Recommendations to the Human Rights Council:

- Urge the Eritrean government to issue an invitation to the Commission of Inquiry on Eritrea to visit the country and investigate reports of violations of religious freedom and human rights. A proper investigation cannot be done without visiting the country.
- Urge the government of Eritrea to cease forced labor in light of Article 4 of the Universal Declaration of Human Rights which states, "No one should be held in slavery or servitude."
- Urge the government of Eritrea to stop all cruel punishments and torture in light of Article 5 of the Universal Declaration of Human Rights which states, "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."
- Urge the government of Eritrea to stop the arrest and detainments of those who have an opposing ideology or adhere to a certain religion in light of Article 9 of the Universal Declaration of Human Rights which states, "No one shall be subjected to arbitrary arrest, detention or exile."
- The government of Eritrea should be condemned for stripping away the citizenship of Jehovah Witnesses and urged to stop this practice in light of Article 15.2 of the Universal Declaration of Human Rights which states, "No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality."
- Urge the government of Eritrea to release unconditionally all prisoners of conscience.
- Urge the government of Eritrea to take steps to protect and promote freedom of religion or belief and freedom of expression for all, including removing the requirement for religious organizations to register with the State and remove State intervention from the internal affairs and operations of religious organizations.
- Encourage the government of Eritrea to remove censorship of journalists and to allow for private media companies. All journalists imprisoned should be immediately released.